LET'S CLARIFY PFAS

EEB
European Environmental Bureau

The new European Commission committed to clarify on PFAS in its political guidelines for the next European Commission 2024–2029. The Chemical Strategy for Sustainability (CSS) recognised that PFAS require special attention due to widespread soil and water contamination, including drinking water, in the EU and globally. Also, scientists are warning that the increasing stock of PFAS pollution is surpassing safe operating space of planetary boundaries, which threatens human health and the environment. A universal PFAS restriction was proposed and currently undergoes the process of scientific scrutiny to allow an informed decision of the policymakers later on. Below is what we want to clarify, and what we ask clarification for from the EU Commission.

WHAT WE NEED TO CLARIFY IN THE PFAS DISCUSSION FOR THE COMMISSION

1 The PFAS restriction proposal under REACH assesses uses individually, is risk-based and already considers the availability of alternatives

The proposed universal PFAS restriction covers substances that are structurally similar and all highly **persistent**. Additional properties of concern, such as ecotoxicity and endocrine disruption, have been identified for various of these PFAS substances and their subgroups. Considering all hazards, emissions, and human and environmental exposure, the proposed restriction confirmed that PFAS pose a high risk to the environment and humans. To prevent further harm, minimising all PFAS releases is thus crucial, and the restriction is the most effective way to do so. It is designed universal as it addresses the production, use and placing on the market of PFAS including imports. The process evaluates in a differentiated manner the emissions, PFAS alternatives, and environmental and socio-economic impacts for each use. It is not a blanket ban, but rather provides for extended transition periods (derogations) for certain uses.

2 Several PFAS applications are not covered by the restriction proposal and time-limited derogations allow companies to transition to safer alternatives

Derogations under REACH restrictions allow to mitigate undesirable impacts on society due to an unavailability of products before suitable alternatives exist. They allow stakeholders and industry to prepare for a smooth transition. Yet derogations should not be granted easily, also not broadly to **industrial uses** as emissions from **these uses roughly make up more than half of total PFAS emissions** in the EU.

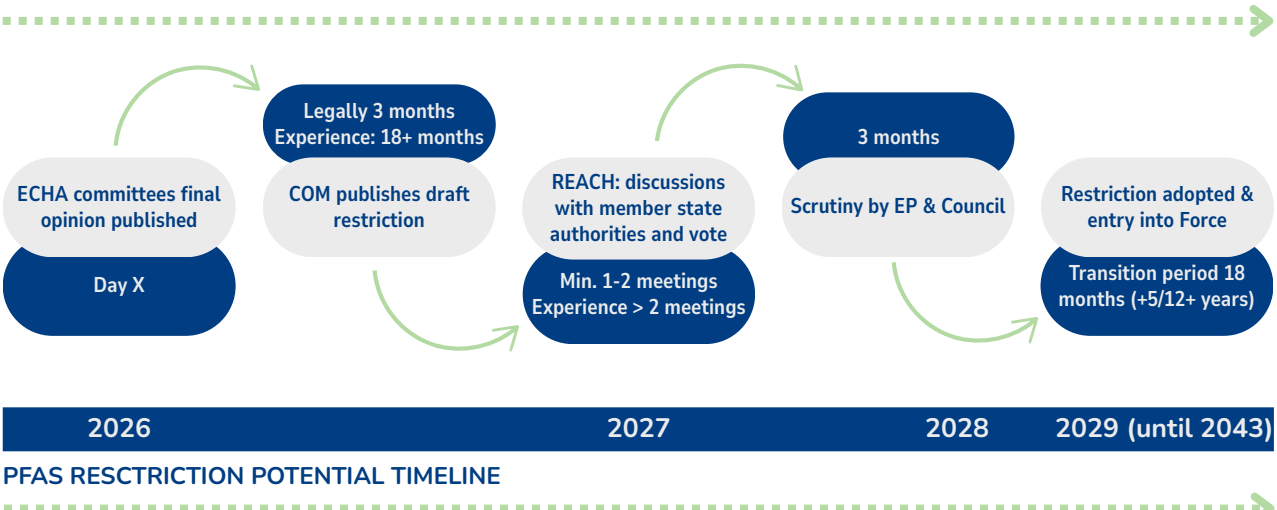
The countries proposing the restriction ('dossier submitters') suggest to fully exclude from the scope of the restriction active substances in plant protection products, biocidal products and human and veterinary medicinal products, as they found them potentially sufficiently addressed under their respective regulations. This exemption is still to be assessed by the expert committees. NGOs have raised concerns about the suggestion to exclude PFAS pesticides from the restriction proposal as it remains unclear today whether the Commission intends to ban the 35 PFAS pesticides currently approved in Europe. PFAS pesticides are a direct and intentional source of PFAS pollution which increasingly contaminates our food. Moreover, PFAS pesticides break down into TFA, a potentially reprotoxic PFAS substance, which widely contaminates our water resources, including drinking water.

Moreover, transitional periods are considered for sectors where found needed, for which the dossier submitters did not consider alternatives to be fully available in the short-term, like medical devices and the semiconductor manufacturing process.

Table with examples of derogations and transitional periods proposed by Dossier Submitters (see restriction proposal p. 4-12)

SECTOR	USE	EXEMPTION / DEROGATION
Agriculture	Pesticides/Biocides	Exempted-non restricted
Health	Medicines	Exempted-non restricted
Health	Medical Devices	13,5 years
Textiles	PPEs	13,5 years
Heating, Ventilation, Air Conditioning, Refrigeration	Refrigerants in specific uses	13,5 years
Aerospace & Automotive	Additives to hydraulic fluids	13,5 years
Petroleum & Mining	Fluoropolymer applications	13,5 years
Industrial	Lubricants in specific uses	13,5 years
Food contact materials	fluoropolymers in food & feed production	6,5 years
Energy (for powering vehicles, backup power systems, and portable devices)	Hydrogen electricity conversion Proton-Exchange Membrane (PEM) fuel cells	6,5 years

The scientific expert committees of the European Chemicals Agency (ECHA), thoroughly assess the restriction proposal and develop their opinion on clearly defined, targeted derogations and transitional periods, by scrutinising them in the light of available alternatives, the socio-economic impacts of the restriction and continued PFAS emissions due to a prolonged use phase. The ECHA committees' opinion is an important first step that takes its time of a few years. The ECHA opinion is a thorough process that aims to properly inform the Commission's decision making later on in the process. Thus, society will not suddenly lose critical uses from one day to another. This large file might take longer than others before, while other files were stuck for years on the Commission's desk, as recently denounced by the European Ombudsman.



3 The PFAS restriction will support the EU autonomy and a safe and green transition while providing certainty to EU companies

No transition can be claimed to be green if it relies on the continued pollution of people and the environment. Currently, the European industry heavily relies on PFAS technologies, yet frontrunner companies are already adopting PFAS-free alternatives3, even in traditionally challenging sectors like semiconductors4 and hydrogen production5. Even for high-performing PFAS as fluoropolymers, **only about 8%** of the total production volume contribute to uses that could be considered as essential to society or 'essential uses', this is, uses critical to health, safety or the functioning of society, such as renewable energy, semiconductors and pharmaceuticals. The restriction process allows for time-limited derogations for uses where there are no available alternatives yet, but are expected to become available in the short, medium and long term.

A probably less known but quite striking example on how a PFAS restriction will also boost the EU's autonomy and competitiveness are fluorinated gases, one of the main use areas and the main emission source of PFAS. F-gases are mostly produced outside the EU by non-EU companies, while the suitable unpatented natural alternatives are produced in the EU. A restriction would therefore boost EU companies that already switched to **F-gas free technology** that uses natural alternatives while giving an economic advantage since natural refrigerants are many times cheaper than synthetic F-gases. Exemplarily, EU heat pump or switchgear manufacturers are frontrunners and would benefit from a restriction of F-gases. Moreover, this would be an important market signal for companies to make the transition towards natural refrigerants and become independent from patented and imported F-gases. On the other side of the coin, PFAS pollution threatens the EU autonomy and wider green transition. For example, to remove PFAS from drinking water, activated carbon is needed; however, this material needs to be imported from China. Another technology to clean PFAS from drinking water is reverse osmosis, which requires a large amount of energy, hampering the green transition and climate neutral EU objectives.

EU restrictions have a global impact. The PFAS restriction will support the transition to safer alternatives globally. This was the case, for example, with mercury lamps, where an EU restriction prompted a global shift towards led lamps.

WHAT THE COMMISSION SHOULD ACTUALLY CLARIFY ABOUT PFAS...

1 What additional measures will the EU take against the effects of PFAS pollution

The restriction, **which from previous experience**, still takes a few years to have an effect after leaving the ECHA process, will only be able to 'close the tap' and stop further pollution likely after 2030. The extent of the shocking PFAS pollution was uncovered by the fantastic work of investigative journalists, as institutions failed to prevent, recognise and address the extent of PFAS pollution and warn citizens about it. PFAS pollution is fuelling the biodiversity crisis, contributing to the **extinction threat of one million species**, and climate change, through wide dispersive use of greenhouse gases such as F-gases. PFAS exposure further poses an immediate threat to the health of current and future generations. Strong complementary measures are now needed to address the existing pollution burden, for which the Chemicals Strategy for Sustainability's PFAS action plan must be updated and fully implemented. The Commission should clarify how they will work with the Member States towards a swift and efficient plan for decontaminating soil and water, which are also polluting our food and drinking water.

2 How will the Commission buffer the immense societal cost and support impacted communities

The cost to society from PFAS pollution is **two orders of magnitude** higher than the benefits of manufacturers. The societal cost of inaction, including cost of remediation, water clean-up and human health cost, will always surpass the costs of a ban on the use of PFAS. Cleaning costs are unaffordable: only for PFAS, more than the global GDP would be needed to remediate the current pollution, let alone the health costs. Investors recognise this as a liability risk for businesses using and producing them. **Drinking water providers** urge policymakers to stop further pollution as they already now struggle to bring down the PFAS levels in (drinking) water to tolerable levels, which makes evident how continued PFAS use harms Europe's economy and society. The Commission should clarify how they will buffer the immense societal cost from PFAS pollution to not put the burden on innocent citizens or the taxpayers money and health, but instead let the polluters pay.

> ***'We can and must reorient our economies from a focus on generating short term profits to filling human needs and long term viability and sustainability – through regulation and enhanced market signals, secured investments, and targeted financial support, the stimulation of innovation paving the way for a prosperous future economy in harmony with planetary realities.'***
> **(Pact for the Future)**

3 How will the Commission create a level playing field, incentivise a quick transition and support alternative providers

Investors are running away from PFAS. Many companies have transitioned to safer materials and innovation in PFAS-free alternatives is gaining market share. **Draghi's report** however misleadingly uses the example of PFAS to exemplify the negative impact of EU regulation on the chemicals sector. Firstly, the report misrepresents the ongoing PFAS restriction proposal currently under assessment at ECHA. This proposal is not a blanket ban, as explained above. Further it overlooks the strong market and investor momentum pushing for the phase-out of PFAS, fuelled by increasing visibility of already existing or soon available alternatives and **growing litigation** costs against PFAS manufacturers and users. Restricting PFAS sets the base to achieve what investors with 12 trillion euro in assets ask from chemical companies, i.e. transparency, phasing out of persistent chemicals and developing safer alternatives. It is not in the investors' interest to support technologies that require PFAS - the interest in PFAS-free alternatives is therefore bigger than ever. The Commission should clarify how they will create a level playing field, incentivise a quick transition and support alternative providers.

FOR FURTHER READING

EEB's PFAS FAQ
EEB PFAS webpage

CONTACT

Christine Hermann
EEB Policy Officer for Chemicals
christine.hermann@eeb.org